

1 William M. Simpich SB #106672
Attorney at Law
2 1736 Franklin Street, 10th Floor
Oakland, CA 94612
3 Telephone (415) 542-6809
4 E-mail: bsimpich@gmail.com

5 Stephen R. Jaffe SB #49539
The Jaffe Law Firm
6 101 California, Suite 2710
San Francisco, CA 94110
7 Telephone: (415) 618-0100
8 E-mail: stephen.r.jaffe@jaffetriallaw.com

9 Attorneys for Plaintiffs
10
11

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 VOTING RIGHTS DEFENSE PROJECT, et
16 al.,

17 Plaintiffs,

18 v.

19 ALEX PADILLA, et al.,

20 Defendants.
21

Case No. C-16-02739 WHA

DECLARATION OF JAMES ROGUSKI

22
23 ///

24 ///

25 ///

I, James Roguski, declare:

1. I am a resident of Los Angeles County I work with the Voting Rights Defense Project which is an unincorporated association in the State of California. It is comprised of citizens working to educate voters of their rights with the goal of maximizing voter turnout. I am a supporter of Bernie Sanders, but I have no formal relationship with the Sanders campaign. I received EXHIBIT 1 from Marissa Winfrey on May 5, 2016. She had received it in the mail from the Los Angeles Registrar's office. I have this form in my possession. Ms. Winfrey was a registered NPP voter. After receiving the postcard from the Los Angeles Registrar, she was confused by the stated March 18, 2016 deadline and was concerned that she had missed the deadline to receive the proper ballot to vote in the Presidential Primary election. The information on the postcard that she received was misleading. Ms. Winfrey was concerned over missing the deadline to request a crossover ballot, so she re-registered online as a member of the Democratic Party. To be absolutely certain that her vote be properly cast, Ms. Winfrey voted in person at the Norwalk office of the Los Angeles County Registrar on May 9, 2016.
2. I am the administrator for a "group" on facebook:
<https://www.facebook.com/groups/voteearlyforbernie> I received EXHIBIT 2 from a facebook post made on May 12, 2016 by <https://www.facebook.com/renee.bulf.7> Renee received this document when she went to vote early at the Nevada County Registrar's office. This document omits key language from Elections Code 3006(c) regarding the right of the voters to know the parties that offer a Presidential ballot to NPP voters. Renee Bulf's facebook post may be found at: <https://www.facebook.com/photo.php?fbid=10207835022306467&set=p.10207835022306467&type=3&theater>

3. On or around May 18, 2016, I did a google search for “voter suppression California” and found two Sonoma County documents that don’t have the Elections Code 3006(b)(3) and (c) mandated vote-by-mail information regarding right to request a ballot by May 31, 2016. They also leave the impression that a ballot will not be received if not requested by April 15, 2016. (EXHIBIT 3A & EXHIBIT 3B) from the following website:

<http://www.pressdemocrat.com/home/5532867-181/error-in-ballot-notice-affects?artslide=0>

The issue was also discussed here: <http://sonomacountygazette.com/cms/pages/sonoma-county-news-article-5263.html>

And here:

https://m.reddit.com/r/SandersForPresident/comments/4fpjig/sorry_too_late_voter_suppression_begins_in/d2b7er

4. On May 19, 2016, I did a google search for “voter suppression California” and obtained a Ventura County document incorrectly states that the deadline to request a vote by mail is March 25, 2016 rather than by May 31, 2016 (EXHIBIT 4) from the following website:

<http://voteforbernie.org/state/california/>

5. On May 20, 2016 I visited the Ventura County Registrar's website, which fails to state that the deadline for requesting a crossover ballot is May 31, 2016. I obtained EXHIBIT 5 by taking a “screenshot” of their webpage: <http://recorder.countyofventura.org/elections/>

6. I obtained EXHIBIT 6 via a search of the internet, re the Riverside County application that incorrectly states that the deadline to request a vote by mail is April 22, 2016 rather than by May 31, 2016. I regret to say that I am now unable to determine the specific website from which it was obtained.

7. I obtained EXHIBIT 7 via a search of the internet, a San Bernardino County that incorrectly states that the deadline to request a vote by mail is April 1, 2016 rather than by May 31, 2016. I regret to say that I am now unable to determine the specific website from which it was obtained.
8. On May 22, 2016 I obtained EXHIBIT 8 by taking a “screenshot” of the San Francisco County Registrar's website, which displays an application to vote by mail that does not contain the NPP information mandated by Elections Code 3006(c) on the face of it:

<http://sfelections.org/tools/vbmapp/index.php>
9. On May 22, 2016 I obtained EXHIBIT 9 by taking a “screenshot” of the Alameda County Registrar's website, which displays an application to vote by mail that also does not contain the NPP information mandated by Elections Code 3006(c) on the face of it:

<https://www.acgov.org/rov/forms/vbme.htm>
10. I obtained the EXHIBIT 10 via a search of the internet. I regret to say that I am now unable to determine the specific website from which it was obtained. No county name is listed on the document which incorrectly states that the deadline to request a vote by mail is April 15, 2016 rather than by May 31, 2016
11. On May 24, 2016 I received four San Francisco County Registrar documents EXHIBIT 11A, 11B, 11C and 11D from William Simpich. 11A gives the reader the indication that they will not receive a Presidential ballot if the postcard is not returned by April 18, 2016. The postcard application marked as 11B states that the date to return a request for a vote by mail ballot request is June 1 rather than May 31, 2016. The last two documents are the sample ballot

showing that the NPP information was provided to a registered NPP voter, but that the NPP information was not provided to a registered party voter.

12. On May 25, 2016 I received an Orange County Registrar document (EXHIBIT 12) from Ernest Martinez. This gives the reader the indication that the deadline to request a ballot to vote for President is not May 31, 2016 but March 31, 2016.

13. On May 25, 2016 I obtained EXHIBIT 13 by downloading the form from the Secretary of State's website, which contains all the essential information on an application to vote by mail form pursuant to Elections Code 3006, which many counties did not follow:

<http://elections.cdn.sos.ca.gov/vote-by-mail/pdf/vote-by-mail-application.pdf>

14. On May 26, 2016 I obtained EXHIBITS 14A and 14B by taking a “screenshot” of a webpage on the Secretary of State's website, that provides no guidance on the poll worker’s role in providing information to NPP voters about their right to receive a Presidential ballot. The Secretary gives the impression that the poll worker is supposed to wait for a request from the NPP voter, rather than ask the NPP voter if she or he wants a Presidential primary ballot.

<http://www.sos.ca.gov/elections/political-parties/no-party-preference/#top-two-candidates>

I declare under penalty of perjury that the foregoing is true and correct and of my own personal knowledge, except where it is stated on information and belief, and as to those matters I believe them to be true.

Executed on MAY 27, 2016,

in GLENDALE, LOS ANGELES COUNTY, CALIFORNIA

James Roguski

JAMES ROGUSKI